IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America,)
	Plaintiff,) 8:09CR-439)
	vs.) DETENTION ORDER
Ма	nuel Jesus Vazquez-Miss,	<i>)</i> }
	Defendant.	,
A.	Order For Detention After conducting a detention hearing pursuant Act, the Court orders the above-named def 3142(e) and (i).	nt to 18 U.S.C. § 3142(f) of the Bail Reform endant detained pursuant to 18 U.S.C. §
B.	conditions will reasonably assure the	because it finds: nce that no condition or combination of appearance of the defendant as required. It no condition or combination of conditions
C.	Finding Of Fact The Court's findings are based on the evider which was contained in the Pretrial Services X (1) Nature and circumstances of the X (a) The crime: Reentry removes	s Report, and includes the following:
	imprisonment (b) The offense is a crime of (c) The offense involves a na (d) The offense involves a lar	arcotic drug. ge amount of controlled substances, to wit:
	may affect wheth The defendant hat The defendant hat X The defendant hat The defendant is The defendant of ties.	nst the defendant is high. If the defendant including: Impears to have a mental condition which were the defendant will appear. It is no family ties in the area. It is no steady employment. It is no substantial financial resources. Inot a long time resident of the community. It is one one of the community. It is not a long time resident of the community. It is not a long time resident of the community. It is not a long time resident of the community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time any significant community. It is not a long time and time any significant community. It is not a long time and time any significant community. It is not a long time and time any significant community. It is not a long time and time and time any significant community. It is not a long time and time any significant community. It is not a long time and time any significant community. It is not a long time and time any significant community. It is not a long time and time and time any significant community. It is not a long time and time and time any significant community.

DETENTION ORDER - Page 2

	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. (b) At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of sentence. (c) Other Factors: X The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. X The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. X Other: Prior deportations (3).
X (4)	The nature and seriousness of the danger posed by the defendant's release are as follows: Two prior felony convictions; prior firearm conviction.
(5)	Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.

DETENTION ORDER - Page 3

(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 23, 2009.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge